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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
MANOSKEY, JOSEPH D

ART UNIT	PAPER NUMBER
2113	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)
Office Action Summary		10/699,523	BROYLES, PAUL
		Examiner	Art Unit	
		Joseph D. Manoskey	2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>05 March 2007</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-24</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>05 March 2007</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claim 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein

et al., U.S. Patent 6,145,102, hereinafter referred to as "Klein", in view of Garnett et al.,

U.S. Patent 7,124,321, hereinafter referred to as "Garnett".

3.   Referring to claim 1, Klein teaches a computer executing a self test of

components of the computer which have there status monitored, this is interpreted as a

method of verifying compatibility of components in a computer system (See Col. 1, lines

22-30 and Col. 2, lines 54-59). Klein teaches monitoring the power supply with the

actual voltage and current levels being reported. Set limits can be monitored and an

error message can be transmitted in the event the limits are exceeded (See Col. 3, line

64 to Col. 4, line 5). This is interpreted as, determining a host maximum power value

indicating the maximum power the computer system is rated to supply, and if the CPU

maximum power value exceeds the host maximum power value, invoking a first error

handler.

Klein does not teach reading, from at least one CPU register, a CPU maximum

power value indicating the maximum power the CPU is rated to consume during

operation, however Klein does teach the power supply monitor having limits sets and

determining that these set limits have been exceeded, Klein is silent on how the value of

the limits is stored (See Col. 4, lines 1-5). Garnett teaches a environmental monitor that

includes limit values stored in limit registers that include values of voltages and

temperatures (See Col. 25, lines 4-10). It would have been obvious to one of ordinary

skill in the art at the time of the invention to combine the monitoring of limits of values

with registers of Garnett with the status monitoring of Klein. This would have been

obvious to one ordinary skill in the art at the time of the invention to do because the

registers allow for comparisons to be made of the limit values (See Garnett, Col. 25,

lines 11-14).

4.   Referring to claim 2, Klein and Garnett disclose all the limitations (See rejection

of claim 1) including monitoring temperatures in the computer and running a fan faster

depending on the reading of the temperature, this is interpreted as reading, from at least

one CPU register, a CPU maximum temperature value indicating the maximum

temperature at which the CPU is rated to operate, determining a host minimum

temperature value indicating the minimum CPU temperature the host is rate to maintain,

and if the host minimum temperature value exceeds the CPU maximum temperature

value, invoking a second error handler (See Klein, Col. 3, lines 53-57 and Col. 4, lines

32-45).

5.   Referring to claim 3, Klein and Garnett teach all the limitations (See rejection of claim 2) including a transmission of an error message in the event of any computer failure which inactivates various components, this is interpreted as the first and second error handlers are the same error handler (See Klein, Col. 1, lines 39-43).

6.   Referring to claim 4, Klein and Garnett disclose all the limitations (See rejection of claim 2) including the computer executing a self-test form the boot ROM at boot up, this is interpreted as the CPU maximum power value and the CPU maximum temperature value are read from the same CPU register (See Klein, Col. 2, lines 54-59).

7.   Referring to claim 5, Klein and Garnett teach all the limitations (See rejection of claim 1) including a power supply monitor with limits set therein, this is interpreted as determining the host maximum power value comprises identifying a motherboard and a chassis of the computer system (See Klein, Col. 4, lines 2-5).

8.   Referring to claim 6, Klein and Garnett teach all the limitations (See rejection of claim 5) including monitoring the power supply which includes power supply voltages, this is interpreted as identifying the motherboard comprises determining voltage regulation characteristics of the motherboard (See Klein, Col. 3, lines 64-66).

9.   Referring to claim 7, Klein and Garnett disclose all the limitations (See rejection

of claim 5) including the computer executing a self-test form the boot ROM at boot up,

this is interpreted as identifying the motherboard comprises reading a register on the

motherboard (See Klein, Col. 2, lines 54-59).

10.   Referring to claim 8, Klein and Garnett teach all the limitations (See rejection of

claim 5) including monitoring the power supply and monitoring temperatures in the

chassis of the computer, this is interpreted as identifying the chassis comprises

determining power supply and cooling characteristics of the chassis (See Klein, Col. 3,

lines 47-57).

11.   Referring to claim 9, Klein and Garnett disclose all the limitations (See rejection

of claim 5) including a chassis intrusion sensor coupled to an interface, this is

interpreted as identifying the chassis comprises reading hardwired pins of a chassis

connector (See Klein, Col. 58-60).

12.   Referring to claim 10, Klein and Garnett teach all the limitations (See rejection of

claim 2) including monitoring the power supply and monitoring temperatures in the

chassis of the computer, this is interpreted as the host minimum temperature value is

determined responsive to cooling characteristics of a chassis of the computer system

and to the maximum CPU power value (See Klein, Col. 3, lines 47-57).

13.   Referring to claim 11, Klein and Garnett teach all the limitations (See rejection of

claim 1) including that upon failure of the self test the computer presents and error

message on a screen, this is interpreted as the first error handler causes an error

message to be displayed (See Klein, Col. 2, lines 63-65).

14.   Referring to claim 12, Klein and Garnett disclose all the limitations (See rejection

of claim 1) including the power supply monitoring can turn off the power, this is

interpreted as the first error handler causes the computer system to be powered down

(See Klein, Col. 4, lines 41-45).

15.   Referring to claim 13, Klein teaches a computer executing a self test of

components of the computer which have there status monitored from a boot ROM, this

is interpreted as a machine-readable storage or transmission medium containing code

that, when executed on a computer system, causes the computer system to perform a

method of verifying compatibility of components in a computer system (See Col. 1, lines

22-30 and Col. 2, lines 54-59).

        Klein teaches monitoring the power supply with the actual voltage and current

levels being reported. Set limits can be monitored and an error message can be

transmitted in the event the limits are exceeded (See Col. 3, line 64 to Col. 4, line 5).

This is interpreted as determining a host maximum power value indicating the maximum

power the computer system is rated to supply, and if the CPU maximum power value

exceeds the host maximum power value, invoking a first error handler.

Klein does not teach reading, from at least one CPU register, a CPU maximum

power value indicating the maximum power the CPU is rated to consume during

operation, however Klein does teach the power supply monitor having limits sets and

determining that these set limits have been exceeded, Klein is silent on how the value of

the limits is stored (See Col. 4, lines 1-5). Garnett teaches a environmental monitor that

includes limit values stored in limit registers that include values of voltages and

temperatures (See Col. 25, lines 4-10). It would have been obvious to one of ordinary

skill in the art at the time of the invention to combine the monitoring of limits of values

with registers of Garnett with the status monitoring of Klein. This would have been

obvious to one ordinary skill in the art at the time of the invention to do because the

registers allow for comparisons to be made of the limit values (See Garnett, Col. 25,

lines 11-14).

16.   Referring to claim 14, Klein and Garnett disclose all the limitations (See rejection

of claim 13) including monitoring temperatures in the computer and running a fan faster

depending on the reading of the temperature, this is interpreted as reading, from at least

one CPU register, a CPU maximum temperature value indicating the maximum

temperature at which the CPU is rated to operate, determining a host minimum

temperature value indicating the minimum CPU temperature the host is rate to maintain,

and if the host minimum temperature value exceeds the CPU maximum temperature

value, invoking a second error handler (See Klein, Col. 3, lines 53-57 and Col. 4, lines

32-45).

17.   Referring to claim 15, Klein and Garnett teach all the limitations (See rejection of

claim 14) including a transmission of an error message in the event of any computer

failure which inactivates various components, this is interpreted as the first and second

error handlers are the same error handler (See Klein, Col. 1, lines 39-43).

18.   Referring to claim 16, Klein and Garnett disclose all the limitations (See rejection

of claim 14) including the computer executing a self-test form the boot ROM at boot up,

this is interpreted as the CPU maximum power value and the CPU maximum

temperature value are read from the same CPU register (See Klein, Col. 2, lines 54-59).

19.   Referring to claim 17, Klein and Garnett teach all the limitations (See rejection of

claim 13) including a power supply monitor with limits set therein, this is interpreted as

determining the host maximum power value comprises identifying a motherboard and a

chassis of the computer system (See Klein, Col. 4, lines 2-5).

20.   Referring to claim 18, Klein and Garnett teach all the limitations (See rejection of

claim 17) including monitoring the power supply which includes power supply voltages,

this is interpreted as identifying the motherboard comprises determining voltage

regulation characteristics of the motherboard (See Klein, Col. 3, lines 64-66).

21.   Referring to claim 19, Klein and Garnett disclose all the limitations (See rejection

of claim 17) including the computer executing a self-test form the boot ROM at boot up,

this is interpreted as identifying the motherboard comprises reading a register on the

motherboard (See Klein, Col. 2, lines 54-59).

22.   Referring to claim 20, Klein and Garnett teach all the limitations (See rejection of

claim 17) including monitoring the power supply and monitoring temperatures in the

chassis of the computer, this is interpreted as identifying the chassis comprises

determining power supply and cooling characteristics of the chassis (See Klein, Col. 3,

lines 47-57).

23.   Referring to claim 21, Klein and Garnett disclose all the limitations (See rejection

of claim 17) including a chassis intrusion sensor coupled to an interface, this is

interpreted as identifying the chassis comprises reading hardwired pins of a chassis

connector (See Klein, Col. 58-60).

24.   Referring to claim 22, Klein and Garnett teach all the limitations (See rejection of

claim 14) including monitoring the power supply and monitoring temperatures in the

chassis of the computer, this is interpreted as the host minimum temperature value is

determined responsive to cooling characteristics of a chassis of the computer system

and to the maximum CPU power value (See Klein, Col. 3, lines 47-57).

25.   Referring to claim 23, Klein and Garnett teach all the limitations (See rejection of claim 13) including that upon failure of the self test the computer presents and error message on a screen, this is interpreted as the first error handler causes an error message to be displayed (See Klein, Col. 2, lines 63-65).

26.   Referring to claim 24, Klein and Garnett disclose all the limitations (See rejection of claim 13) including the power supply monitoring can turn off the power, this is interpreted as the first error handler causes the computer system to be powered down (See Klein, Col. 4, lines 41-45).

Response to Arguments

27.   Applicant's arguments, see page 7 of amendment, filed 25 January 2007, with respect to claims 13-24 have been fully considered and are persuasive. The 35 U.S.C. 101 rejection of claims 13-14 has been withdrawn.

28.   Applicant's arguments, see pages 7 and 8 of amendment, filed 25 January 2007, with respect to the rejection(s) of claim(s) 1-24 under 35 U.S.C. 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of new found prior art, see above rejection.

Conclusion

29.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Joseph D. Manoskey whose telephone number is (571)

272-3648. The examiner can normally be reached on Mon.-Fri. (7:30am to 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Robert Beausoliel can be reached on (571) 272-3645. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JDM
May 11, 2007